

**REMARKS**

In an interview on May 26, 2005 between Applicants' representative and the Examiner, Applicants' representative requested that the Examiner withdraw the finality of the Final Office Action dated May 9, 2005 on grounds that the Final Office Action dated May 9, 2005 is procedurally improper. The Examiner disagreed with Applicants' representative and indicated that the Examiner will not withdraw the the finality of the Final Office Action dated May 9, 2005.

On May 26, 2005 (following the aforementioned interview), Applicants filed a Petition Under 37 CFR § 1.181(a)(1) for withdrawal of the finality of the Final Office Action dated May 9, 2005 on grounds that the finality of the Final Office Action dated May 9, 2005 is procedurally improper.

In an Interview Summary mailed June 14, 2005 pertaining to the aforementioned interview, the Examiner stated that the Examiner withdrew the finality of the Final Office Action dated May 9, 2005. Applicant

In the present office action mailed July 1, 2005, the Examiner rejected claims 12-16 under 35 U.S.C. §112, first paragraph.

The Examiner rejected claims 1-2, 11-19, 21-25 and 26-29 under 35 U.S.C. §102(b) as allegedly being anticipated by US Patent 5,848,396 Gerace.

The Examiner rejected claims 13, 20 and 25 under 35 U.S.C. §103(a) as allegedly being unpatentable over US Patent 5,848,396 Gerace as applied to claims 1-2, 11-19, 21-25 and 26-29 above, and further in view of US Patent 6,108,645 Eichstaedt et al.

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Applicants respectfully traverse the §112, §102 and §103 rejections with the following arguments.

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**35 U.S.C. §112, First Paragraph**

The Examiner rejected claims 12-16 under 35 U.S.C. §112, first paragraph.

The Examiner alleges that "the specification, while being enabling for the use of an algorithm (Pg 9 l.6-19), does not reasonably provide enablement for the use of an "majority-vote" algorithm."

The Examiner argues: "The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The applicant fails to detail the algorithm that is being claim so one skilled in the art would be able to reproduce the same results using the algorithm without undo experimentation. The applicant makes mention of a "sliding-window" algorithm but not majority-vote algorithm."

In response, Applicants respectfully contend that the specification does indeed make mention of a majority-vote algorithm on page 10, lines 4-16 which recites:

"Otherwise (i.e., the session has ended), the personality engine 120 retrieves the logs and recomputes the personality type indicator (step 270) . In an exemplary embodiment of the invention, values of the variables of the personality type indicator may be deduced by testing the contents of the logs. For example, the value of a binary variable, such as the MBTI extroversion-introversion variable, may be determined by taking a **majority vote** of paired counters associated with the binary variable – e.g., if the MBTI extroversion log had ten entries and the introversion log three, the value of the extroversion-introversion variable for the user 100 would be deduced, by **majority vote**, to be E rather than I. Values of the other variables may be deduced in the same way, and the value of the personality type indicator computed from the values of its variables. The use of **majority vote** is illustrative of the present invention rather than limiting, of course, and once taught the present invention those skilled in the art will understand that a number of **other algorithms** may be employed to test the contents or otherwise

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analyze the logs in order to deduce the values of the variables of the personality type indicator.” ( emphasis added).

Based on the preceding arguments, Applicants respectfully contend that the rejection of claims 12-16 under 35 U.S.C. §112, first paragraph is improper.

Furthermore, while claim 13 recites a majority vote algorithm, claims 12 and 14-16 do not recite a majority vote algorithm. Hence, the rejection of claims 12 and 14-16 under 35 U.S.C. §112, first paragraph is misdirected and thus improper.

35 U.S.C. §102(b)

The Examiner rejected claims 1-2, 11-19, 21-25 and 26-29 under 35 U.S.C. §102(b) as allegedly being anticipated by US Patent 5,848,396 Gerace.

Claims 1-2

Applicants respectively contend that Gerace does not anticipate claim 1, because Gerace does not teach each and every feature of claim 1.

As a first example of why Gerace does not anticipate claim 1, Gerace does not teach the feature: "logging occurrences of events that are implicitly relevant to deducing a value of a variable of a personality type indicator associated with the user; deducing the value of the variable of the **personality type indicator** from the logged occurrences of events" (emphasis added). Gerace does not anywhere teach "deducing the value of the variable of the personality type indicator from the logged occurrences of events".

Applicants note that the Examiner's entire analysis of claim 1 is contained in the following argument by the Examiner: "Gerace teaches getting information about a user from their Internet activity and make inferences from the recorded data(C. 4 l. 10-15)."

In response, Applicants maintain that the preceding quote from Gerace, which is the basis of the Examiner's argument, does not teach "deducing the value of the variable of the personality type indicator from the logged occurrences of events". The preceding quote from Gerace teaches making "certain inferences about the user are made based on the user's viewing habits", but does not teach that the inferences are personality type indicators. Rather, the inferences about the user in Gerace are inferences about the user's viewing preferences for the purpose of customizing the

presentation of agate information to the user, as recited in Gerace, col. 2, lines 15-22 ("Further, the tracking and profiling member records presentation (format) **preferences** of the users based on user viewing activity. **Preferences with respect to color schemes, text size, shapes, and the like are recorded** as part of the psychographic profile of a user. In turn, the psychographic profile enables the data assembly to customize presentation (format) of agate information, per user, for display to the user" (emphasis added)).

In summary, Applicants maintain that Gerace does not anywhere teach the feature: "deducing the value of the variable of the personality type indicator from the logged occurrences of events".

As a second example of why Gerace does not anticipate claim 1, Gerace does not teach the feature: "customizing a presentation of information to the user according to the value of the variable of the personality type indicator". The Examiner's citation of Gerace, col. 4, line 10-15 does not teach the preceding feature of claim 1. Gerace teaches customizing a presentation of information to the user according to the user's viewing habits and not according to the value of the variable of the personality type indicator. See Gerace, col. 2, lines 15-22 ("Further, the tracking and profiling member records presentation (format) preferences of the users based on user viewing activity. Preferences with respect to color schemes, text size, shapes, and the like are recorded as part of the psychographic profile of a user. In turn, the psychographic profile enables the data assembly to **customize presentation (format) of agate information**, per user, for display to the user" (emphasis added)). Gerace does not anywhere teach the feature: "customizing a presentation of information to the user according to the value of the variable of

the personality type indicator”.

Based on the preceding arguments, Applicants respectfully maintain that Gerace does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claim 2 depends from claim 1, Applicants contend that claim 2 is likewise in condition for allowance.

Claims 11-19, 21-25 and 26-29

Applicants respectfully contend that Gerace does not anticipate claims 11, 18, and 23, because Gerace does not teach each and every feature of claims 11, 18, and 23.

As an example of why Gerace does not anticipate claims 11, 18, and 23, Gerace does not teach the feature: “recording a specific value of a **personality type variable** of the plurality of personality type variables for each event of said events in a log that is associated with the specific value of the **personality type variable**” (emphasis added).

Applicants maintain that the Examiner’s citation of Gerace, col. 4, line 10-15 does not teach “recording a specific value of a personality type variable ...”. Rather, the preceding quote from Gerace teaches “record[ing] the date and time of user viewing and the format which the user has selected for viewing”. In addition, Gerace, col. 2, lines 15-22 teaches recording “preferences with respect to color schemes, text size, shapes, and the like”. Gerace does not anywhere teach “recording a specific value of a personality type variable ...”

Based on the preceding arguments, Applicants respectfully maintain that Gerace does not anticipate claims 11, 18, and 23, and that claims 11, 18, and 23 are in condition for allowance. Since claims 12-17 depend from claim 11, Applicants contend that claims 12-17 are likewise in condition for allowance. Since claims 19, 21, 22 and 25-29 depend from claim 18, Applicants

contend that claims 19, 21, 22 and 25-29 are likewise in condition for allowance. Since claim 24 depends from claim 23, Applicants contend that claim 24 is likewise in condition for allowance.

In addition with respect to claims 12, 19, and 24, Gerace does not teach the feature: “deducing a personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable”.

The Examiner argues: “As to claims 12, 19 and 24 Gerace teaches creating a psychographic profile based on habits and patterns of users.”

In response, Applicants maintain that the Examiner’s argument is not persuasive, because the Examiner’s argument does not address the aforementioned feature of claims 12, 19, and 24. For example, the Examiner has not addressed the “best value” aspect of the preceding feature of 12, 19, and 24.

In addition with respect to claim 14, Gerace does not teach the feature: “generating a user record associated with the user, generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server”.

The Examiner argues: “As to claims 14, 21, 26 generating reports including profiles and storing the records.(C. 5 l. 38-40 &44-46)”

In response, Applicants maintain that the Examiner’s argument is not persuasive, because Gerace does not teach that the stored records are stored in the server.

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In addition with respect to claims 21 and 26, Gerace does not teach the feature: "generating a user record associated with the user, generating comprising inserting the determined personality type indicator into the user record; and storing the user record outside of the server".

The Examiner argues: "As to claims 14, 21, 26 generating reports including profiles and storing the records.(C. 5 l. 38-40 &44-46)"

In response, Applicants maintain that the Examiner's argument is not persuasive, because Gerace does not teach that the stored records are stored outside of the server.

In addition with respect to claims 15, 22, and 27, Gerace does not teach the feature: "customizing a content or style of information adapted to be presented to the user; said customizing comprising utilizing the personality type indicator that is in the user record".

The Examiner argues: "As to claims 15, 22 and 27 Gerace teaches customizing information to the customer based on profile.(C. 5 l. 18-22)"

In response, Applicants maintain that the Examiner's argument is not persuasive, because Gerace, col. 5, lines 18-22 does not teach customizing by "utilizing the personality type indicator that is in the user record". Instead, Gerace, col. 5, lines 17-18 teaches customizing according to user preferences.

In addition with respect to claims 16 and 28, Gerace does not teach the feature: "said observing, recording, deducing, generating, storing, and customizing being performed by programmable instructions executing on the server".

The Examiner argues: "As to claims 2, 16-17 and 28-29 Gerace teaches the system and method being done over the internet(C. 3 I. 62-67)."

In response, Applicants maintain that the Examiner's argument is not persuasive, because the Examiner's argument does not address the aforementioned feature of claims 16 and 28. For example, the Examiner has not even alleged that Gerace teaches that the observing, recording, deducing, generating, storing, and customizing are executed by the server. The Examiner's argument is relevant to claim 2 but is not relevant to claims 16 and 28.

In addition with respect to claims 17 and 29, Gerace does not teach the feature: "said observing, recording, deducing, generating, storing, and customizing being performed during the session by programmable instructions executing on the server" (emphasis added).

The Examiner argues: "As to claims 2, 16-17 and 28-29 Gerace teaches the system and method being done over the internet(C. 3 I. 62-67)."

In response, Applicants maintain that the Examiner's argument is not persuasive, because the Examiner's argument does not address the aforementioned feature of claims 16 and 28. For example, the Examiner has not even alleged that Gerace teaches that the observing, recording, deducing, generating, storing, and customizing are executed during the session by the server. The Examiner's argument is relevant to claim 2 but is not relevant to claims 17 and 29.

35 U.S.C. §102(b)

The Examiner rejected claims 13, 20 and 25 under 35 U.S.C. §103(a) as allegedly being unpatentable over US Patent 5,848,396 Gerace as applied to claims 1-2, 11-19, 21-25 and 26-29 above, and further in view of US Patent 6,108,645 Eichstaedt et al.

Since claims 13, 20, and 25 depend from claims 11, 18, and 23, respectively, which Applicants have argued *supra* as not being anticipated by Gerace, Applicants maintain that claims 13, 20, and 25 are not unpatentable under 35 U.S.C. §103(a) over Gerace in view of Eichstaedt.

In addition, Gerace in view of Eichstaedt does not teach or suggest the feature: “executing a **majority vote algorithm** for each log whose associated personality type variable is a binary variable” (emphasis added).

The Examiner argues: “Gerace fails to teach the profile being populated by an algorithm. Eichstaedt teaches creating profiles using an algorithm.(C. 14 I. 33-36). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Eichstaedt with Gerace so as to have a statistical and efficient method of categorizing users to receive different types of information.”

In response, Applicants maintain that the Examiner’s argument is not persuasive, because the Examiner’s argument does not address the aforementioned feature of claims 13, 20, and 25 . For example, the Examiner’s argument has not addressed the “majority vote algorithm” aspect of claims 13, 20, and 25. As another example, the Examiner’s argument has not addressed the “each log whose associated personality type variable is a binary variable” aspect of claims 13, 20, and 25.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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